

REMARKS

The Office Action of March 23, 2005 has been reviewed and its contents carefully noted. Applicants concur that the amendment to the claims filed on January 14, 2005 does not comply with the requirements of 37 CFR 1.21(c) because the list of claims is incomplete and the identifier for withdrawn claims 16-31 is incorrect. Applicants have carefully reviewed the entire prosecution history for this case and would like to point out the following to the Examiner in an attempt to clarify the status of all claims in the present application.

- The present application was originally filed on June 19, 2001 by Applicant's prior attorneys of record, Fish & Richardson P.C. Claims at the time of filing included 1-31.
- On September 30, 2002 a Restriction Requirement was issued by the Examiner.
- On October 30, 2002 a Response to the Restriction Requirement was filed by Fish & Richardson P.C. electing the invention of Group I (Claims 1-9, 11-12 and 14-15). Applicant traversed the restriction of claims 10, 13 and 16 from Group I. Claims from Group III (17-24) and Group IV (25-31) were canceled.
- On January 14, 2003 an Office Action was issued by the Examiner withdrawing Claims 10, 13 and 16 from consideration. The restriction of claims 1-9, 11-12 and 14-15 were acknowledged as properly restricted. Claims 1-9, 11-12 and 14-15 were rejected in the January 14, 2003 Office Action. As of January 14, 2003 Claims 1-9, 11-12 and 14-15 were Pending.
- In the time between Applicant's October 30, 2002 Response (filed by Fish & Richardson P.C. and the January 14, 2003 Office Action, prosecution of the present application was transferred to GTC Biotherapeutics, Inc. ("GTC") Fish & Richardson P.C. were removed from the prosecution of this case.
- A Response to the January 14, 2003 Office Action was filed by GTC on July 14, 2004, together with a three month extension of time making the July 14, 2003 a timely filing. Applicant's Response amended Claims 1, 4, 8, 11, and 14, as well as added new claims 32-40. Therefore, as of January 14, 2004 Claims 1-9, 11-12, 14-15 and 32-40 were pending.
- On October 21, 2003 a Final Office Action was issued by the Examiner. In the Office Action Summary included with the Official Action, the Examiner notes

that Claims 1-40 are pending in the present application, with Claims 10, 13, and 16-31 withdrawn from prosecution. The Final Office Action states that Claims 1-9, 11-12, 14-15 and 31-40 are rejected. Applicants respectfully point out that as of the date of the Final Office Action, Claims 1-9, 11-12, 14-15 and 32-40 were pending. Claims 1-40 were not pending as indicated on the Examiner's Office Action Summary.

- A Response to the Final Office Action on due January 21, 2004, with extensions available through April 21, 2004.
- On April 20, 2004 a Notice of Appeal, together with a three month extension of time, was filed in Response to the outstanding Final Office Action. As such, an Appeal Brief (or Request for Continued Examination) was due no later than July 21, 2004.
- On December 2, 2004 Applicants filed a Petition to Revive Application together with a Request for Reconsideration and Preliminary Amendment. (Please note that the Petition to Revive was filed before Applicant received the Official Notice of Abandonment.) In the Preliminary Amendment, Claims 1-15 were canceled and Claims 16-31 were erroneously identified as "Previously Presented." Applicants acknowledge that Claims 16-31 were previously withdrawn from this application and as a result should not have been identified as "Previously Presented." As a result, as of December 2, 2004 Claims 32-40 were Pending.
- On January 10, 2005 a Notice of Abandonment was issued on the present application for failure to file a timely response to the October 21, 2003 Final Office Action.
- On January 14, 2005 Applicants filed a Petition to Revive Application, submitting at the same time a copy of Applicant's December 2, 2004 Response to the October 21, 2003 Final Office Action. At the time of filing the Petition to Revive, Claims 32-40 were Pending.
- On February 3, 2005 Applicant received a Petition from the Office of Petitions granting our Petition to Revive the present application. At the time of revival Claims 32-40 remained in this application.

- On March 23, 2005 an Official Action was issued by the Examiner indicating that the list of claims as filed on January 14, 2004 was incomplete as it was missing Claims 32-40 and identified Claims 16-31 incorrectly.

Applicants apologize for any confusion concerning the status of the pending Claims in the present application. This was a result of transferred prosecution and simple clerical error assembling the appropriate file histories of prior actions.

Reconsideration of this case, as amended, is respectfully requested. Claims 32-40 remain in this application (Claims 1-15 having been canceled in Applicants Response of December 2, 2004 and Claims 16-31 having been Previously Withdrawn in Applicant's Response of October 30, 2002. No Claims are amended herein. No claims are canceled herein. No New claims are added herein. No new matter has been added herein.

Applicants respectfully submit that the pending claims of this application are in condition for allowance, and that this case is now in condition for allowance of all claims herein. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant's attorney would advance the prosecution of the case to finality, the Examiner is invited to telephone the undersigned at the number given below.

No fee is deemed necessary in connection with the filing of this Reply and Amendment. However, the Commissioner is authorized to apply any fee which may now be or hereafter be due for this application to Deposit Account No. 502092.

Early and favorable action is earnestly solicited.

Respectfully submitted,

Date: 4/17/05

By:



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